

UNITED STATES DISTRICT COURT

for the
District of New Mexico

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
W APR 26 2018
MATTHEW J. DYKMAN
CLERK

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Kyocera S1370
IMEI: 014289003030817,
ZTE Z851M IMEI: 866514033474449

Case No.

18mr362

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, Incorporated herein by reference

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, Incorporated herein by reference

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. § 841	Possession with Intent to Distribute

The application is based on these facts:

See Attached Affidavit, Incorporated herein by reference

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Colin Owens HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date:

4/26/2018

City and state: Albuquerque, New Mexico


Judge's signature

Laura Fashing United States Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH TWO
CELLULAR TELEPHONES:

Kyocera S1370
IMEI: 014289003030817
ZTE Z851M
IMEI: 866514033474449

Case No. _____

AFFIDAVIT FOR A SEARCH WARRANT

I, Colin Owens, being duly sworn, hereby depose and state as follows:

I. INTRODUCTION

1. I am a Special Agent (SA) with the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations (HSI); currently assigned to the interdiction group. I have been employed as a SA with HSI since December 2017. As a special agent with HSI my primary duty is to conduct narcotic investigations. Prior to my employment with HSI I was a special agent with the Department of State, Diplomatic Security Service for three years. Before becoming a member of law enforcement, I received a Bachelor of Science in political science from the University of New Mexico, a Masters of Public Administration and a Masters of Arts in Middle Eastern Humanities from the University of Arizona.

2. I make this affidavit in part based on my personal knowledge gathered during my participation in this investigation, on conversations with other agents and officers who have engaged in numerous controlled substance investigations, and on facts and information from the following sources I believe to be reliable: oral and written reports about this investigation which I received directly or indirectly from HSI Taskforce Officers (TFO), Bureau of Indian Affairs

(BIA) SAs and other researchers and agents within HSI. This affidavit relies primarily on State of New Mexico Incident Report 2018-9207 and New Mexico Supplemental Report 2018-9207. This affidavit is being submitted in support of a search warrant for a Kyocera phone, model: S1370 (IMIE: 014289003030817) and an Android ZTE phone, model: Z851M (IMIE: 866514033474449). I have not set forth every fact learned during the investigation, nor do I request this Court rely upon any facts not set forth herein in reviewing this application.

II. PURPOSE OF AFFIDAVIT

3. I make this affidavit in support of an application for warrant authorizing the search of a Kyocera model: S1370 (IMIE: 014289003030817) and an Android ZTE model: Z851M (IMIE: 866514033474449) for evidence, fruits, and instrumentalities, evidence and fruits of violations of federal criminal statute 21 USC 841 Possession with intent to distribute.

III. BACKGROUND INFORMATION

4. On April 7, 2018, HSI SAs in conjunction with New Mexico State Police (NMSP) HSI TFOs and BIA SAs conducted an interdiction operation on Interstate 40 in New Mexico. During the operation HSI TFO J. Campos pulled conducted a traffic stop and found 46.6 lbs. of methamphetamines.

5. Based on my training and experience, having performed and been involved with narcotics investigations, narcotics traffickers often use cellular telephones to assist in their activities. Therefore, such cellular telephones may contain lists of contacts who are customers and suppliers of narcotics (including names, addresses, phone numbers, email addresses, and other identifying information), types, amounts and prices of drugs being trafficked, imported or purchased, along with data applying to dates, places, and amounts related to specific transactions. Much of the narcotics found within the United States have been imported from

foreign nations and are therefore related to international and domestic travel, the related records for which can be stored within cellular telephones. Additionally, modern cellular telephones often can access the internet, allowing the phone's user(s) to access financial records and perform monetary transactions, send and receive emails, browse web addresses, and access other information available on the internet to assist in narcotics trafficking activities.

IV. STATEMENT OF PROBABLE CAUSE

6. On April 7, 2018, HSI SAs in conjunction with HSI TFOs from NMSP and BIA SAs conducted an interdiction operation on Interstate 40 in New Mexico. During the operation HSI TFO J. Campos conducted a traffic stop and found 46.6 lbs. of methamphetamines.

7. On April 7, 2018 around 0900 hours HSI-TFO J. Campos pulled over a vehicle on Interstate 40 traveling east bound for careless driving around mile marker 142 in New Mexico. The vehicle had only one occupant, the driver, a Mexican citizen named Jose Guadalupe Calderon Serrano (SUBJECT). During the traffic stop HSI TFO J. Campos received support from HSI TFO S. Wood and HSI TFO R. Aguirre who acted as a translator.

8. After conducting business related to the reason for the traffic stop HSI TFO J. Campos informed the driver that he was free to leave but said the vehicle was not based on the following facts: SUBJECT was traveling from Phoenix, AZ a known narcotics source city, SUBJECT said was going to Albuquerque, a known narcotics destination city, SUBJECT was not the owner of the vehicle and the SUBJECT did not know the owners name, SUBJECT was not packed for the type of travel he said he was doing, and HSI TFO J. Campos noticed a strong odor of air freshener which through HSI TFO J. Campos' training and experience is a method used by drug trafficking organizations to mask the odor of contraband.

9. HSI TFO J. Campos asked for and received written consent from SUBJECT to inspect the vehicle. Upon inspection of the vehicle TFOs and saw a "Husky" brand floor jack, "Husky" brand lung nut sockets, and mechanic gloves. HSI TFO J. Campos then deployed canine Kimba to the exterior of the vehicle. The canine displayed positive alert behavior to the smell of narcotics. Upon crawling under the vehicle HSI TFO J. Campos noticed rims had serious damage to the edges. Through training and experience HSI TFO J. Campos knows drug trafficking organizations conceal contraband inside tires which is often caused as extra force is required to install tires over contraband affixed to the rim.

10. SUBJECT was asked and agreed to meet HSI TFO J. Campos and another HSI TFO at a nearby Loves truck stop for further inspection. SUBJECT followed HSI TFO R. Aguirre as HSI TFO J. Campos followed SUBJECT to the truck stop. At the truck stop SUBJECT asked to use the restroom and HSI TFO J. Campos told the driver that he was free to do whatever he needed to do, because he was free to leave. At the Loves truck stop HSI TFOs removed the driver's side rear tire from the wheel. Inside the tire, strapped to the wheel using a thin metal banding was approximately 11.5 lbs. of white powdery substance, believed to be narcotics.

11. SUBJECT was arrested and he and the vehicle were transported to New Mexico State Police district five office. HSI TFOs removed the remaining three wheels and tires. Suspected narcotics were found in all four wheels, resulting in a total of 46.6 lbs. of suspected narcotics. All narcotics were concealed in the vehicles wheels, strapped to the rims as previously described. The suspected narcotics were field tested and returned a positive match for the characteristics of methamphetamines.

12. At the time of the arrest SUBJECT had the two cellular phones in his possession. During booking one of the phones rang multiple times. Without manipulating the phone HSI SAs observed phone numbers calling on the SUBJECT's phones from Mexico and Baltimore, Maryland. Based on my training and experience individuals transporting large quantity of narcotics are usually tracked using telephone and or GPS by both the shipper and receiver of the narcotics along their route. Drug trafficking organizations will often supply cellular phones with preloaded numbers, locations, and contact information to facilitate pickup, shipment, and drop of narcotics. Moreover, cellular phones can help identify the owner and their intended distribution of narcotics.

V. CONCLUSION

13. I submit this affidavit in support of probable cause to search a Kyocera model: S1370 (IMIE: 014289003030817) and an Android ZTE model: Z851M (IMIE: 866514033474449) in SUBJECT's possession at time of arrest.

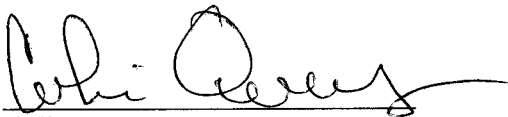
14. This affidavit has been reviewed and approved by United States Assistant Attorney Kyle Nayback.

Subscribed and sworn to before me
On April 26, 2018



LAURA FASHING
UNITED STATES MAGISTRATE JUDGE

Respectfully Submitted,



Colin Owens
Special Agent
Homeland Security Investigations

ATTACHMENT A

Items to be searched are currently located in the custody of the Bureau of Indian Affairs'

Albuquerque office located at:

1011 Indian School Rd
Albuquerque, NM 87104

Items to be searched are:

1. Kyocera cellular telephone model: S1370 IMIE: 014289003030817
2. Android ZTE cellular telephone model: Z851M IMIE: 866514033474449

ATTACHEMENT B

All records on the devices described in Attachment A that relate to violations of 21 USC 841 Possession with intent to distribute involving Jose Guadalupe Calderon Serrano including:

- a. lists of customers or suppliers with related identifying information;
 - b. types, amounts, and prices of drugs trafficked, imported or purchased as well as dates, places, and amounts of specific transactions;
 - c. any information related to sources of drugs (including stored contacts, names, addresses, phone numbers, email addresses, text messages, or any other information related to narcotics or the identity of those involved in narcotics);
 - d. any information recording SUBJECT's schedule or travel; and
 - e. all bank records, checks, credit card bills, account information, and other financial records.
2. Evidence of user attribution showing who used or owned the devices at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history;
3. Records evidencing the geographic location of the devices while they were in use, including:
- a. Records of Internet Protocol addresses used;

- b. Records of Internet activity, including firewall logs, caches, browser history and cookies, “bookmarked” or “favorite” web pages, search terms that the user entered into any internet search engine, and records of user-typed web addresses.

As used above, the terms “records” and “information” include all the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.